THE BOMBAY (SECOND) REPEALING AND AMENDING ACT, 1951

[*Text as on 13th May 2024*]

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BOMBAYACTNO.XXXIXOF1951[1]

[THE BOMBAY (SECOND) REPEALING AND AMENDING ACT, 1951.]

[This Act received the assent of the Governor on the 18th October 1951; assent was first published

An Act to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient to repeal certain, enactments and to amend certain other enactments for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. Short title.— This Act may be called the Bombay (Second) Repealing and Amending Act, 1951.

2. Repeal of certain enactments.— The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. Amendment of certain enactments.— The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE FIRST SCHEDULE

Repeals

(*See* section 2.)

Year.	No.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
1932	XV	Bombay Weights and Measures Act, 1932.	In section 3, in clause (10), the word “and”, where it occurs for the second time.
1950	XXIX	Bombay Public Trusts Act, 1950.	Clause (*16*) of section 2, section 27, the words ‘‘or scrip ”, wherever they occur, in section 30, and the words “ and scrips ” in the marginal note to the said section 30, third entry relating to section 27 in the Table appended to section 66, and clause (*j*) of sub-section (*2*) of section 84.

THE SECOND SCHEDULE

Amendments

(*See* section 3.)

Year.	No.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
1898	V	Code of Criminal Procedure, 1898, in its application to the State of Bombay.	Section 197A, as inserted by section 2 of Bom. XX of 1951, shall be renumbered as section 197AA.

The Second Schedule—*Contd.*

Year.	No.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
1912	VII	Bombay Smoke-nuisances Act, 1912.	In the long title, preamble and in sub-section (*1*) of section 2, for the words "Town and Island of Bombay" the words "Greater Bombay" shall be substituted.
1928	IV	Bombay University Act, 1928.	(*1*) In section 13, in paragraph (*B*) in class I in sub-section (*1*),— (*a*) for clause (*iii*) the following shall be substituted, namely:— "(*iii*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government"; (*b*)for clause (*v*) the following shall be substituted, namely :— "(*v*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government,". (*2*) In section 20, for clause (*c*) of sub-section (*1*) the following shall be substituted, namely :— "(*c*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ;"
1933	VI	Bombay Village Pan-chayats Act, 1933.	(*1*) In section 41, for clause (*d*) the following shall be substituted, namely:— " (*d*) Under the Bombay Prohibition Act, 1949—Being drunk and incapable of taking care of himself ... ... 85(*1*)." (*2*) In sections 57, 107A and clause (*r*) of sub-section (*1*) of section 108, for the words " District Court or the District Magistrate " the words " District or the Sessions Court " shall be substituted ; (*3*) In sub-section (*3*) of section 72, for the words "District-Magistrate", wherever they occur, the words "Sessions Judge" shall be substituted ;

The Second Schedule—*Contd.*

Year.	No.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
			(*4*) In section 87B, for the words "District Magistrate" the words "Sessions Courts" shall be substituted ; (*5*) In clause (*i*) of sub-section (*2*) of section 106, for the words "District Court or District Magistrate" the words "District or Sessions Court" shall be substituted; (*6*) In sub-section (*4*) of section 112, for the words "District Magistrate" the words "Sessions Court", and for the words "him" the word "it" shall be substituted.
1946	V	Bombay Sales Tax Act, 1946.	In section 21, in sub-section (*3*), for the word "sections" the word "section" shall be substituted.
1947	XXXII	Lord Reay Maharashtra Industrial Museum Act, 1947.	In section 17, in the marginal note, for the words "Poona City Borough Municipality" the words "Municipal Corporation of City of Poona" shall be substituted.
1947	LXI	Bombay Primary Education Act, 1947.	In section 2, in clause (*8*) for the words "the Director of Public Instruction" the words "the Director of Education" shall be substituted.
1948	XX	Poona University Act, 1947	(*1*) In section 16, in paragraph (*B*) in Class I in sub-section (*1*), for clauses (*iii*) to (*vii*) the following shall be substituted, namely :— "(*iii*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Medical or Public Health, (*b*) Agriculture, (*c*) Industries, (*d*) Public Works,"; (*2*) In section 19, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely :—

The Second Schedule—*Contd.*

Year.	No.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
			"(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a members of the Court,".
1948	XLIX	Bombay Secondary School Certificate Examination Act, 1948.	In section 3, in paragraph (*A*) of sub-section (*2*), for clauses (*a*) to (*d*) the following shall be substituted, namely:— "(*a*) the Director of Education, Bombay State or the Joint or a Deputy Director of Education designated by the State Government ; (*b*) the Director of Technical Education or any other officer of the Department of Technical Education designated by the State Government ; (*c*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government ; (*d*) the Inspector of Commercial Schools, Bombay, or any other officer designated by the State Government to represent the Commercial Schools ;"
1949	XX	Karnataka University Act, 1949.	(*1*) In section 15, in paragraph (*B*) in Class I in sub-section (*1*), for clauses (*iii*) to (*x*) the following shall be substituted, namely :— " (*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Six members designated by the State Government representing the following Departments, namely : (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests,

The Second Schedule—*Contd.*

Year.	No.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
			(*v*) Vice-Chancellors of other Universities established by law in the State of Bombay." (*2*) In section 18, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,"
1949	L	Gujarat University Act, 1949.	(*1*) In section 16, in paragraph (*B*) in Class I in sub-section (*1*), for clauses (*iv*) to (*x*) the following shall be substituted, namely :— "(*iv*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*v*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests," (*2*) In section 19, for clause (*iii*) of sub-section (*1*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate"
1949	LI	Shreemati Nathibhai Damodar Thackersey Women's University Act, 1949.	(*1*) In section 15, in paragraph (*B*) in Class I in sub-section (*1*), for clauses (*ii*) to (*viii*) the following shall be substituted, namely :—

The Second Schedule—*Contd.*

Year.	No.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
			"(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iii*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Industries, (*b*) Medical or Public Health, (*c*) J. J. School of Arts, Bombay, (*d*) Co-operative and Village Industries. (*iv*) The Secretary, the Additional Secretary or the Joint Secretary to the Department of Education as the State Government may determine, (*v*) The Vice-Chancellors of other Universities established by law in the State of Bombay." (*2*) In section 39, for clause (*ii*) of sub-section (*2*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,".
1949	LIX	Bombay Provincial Municipal Corporation Act, 1949.	(*1*) In section 465, in clause (*b*) of sub-section (*3*), for the words, brackets, letter and figure "clause (*b*) of sub-section (*2*)" the words, brackets, letter and figure "clause (*c*) of sub-section (*2*)" shall be substituted. (*2*) In the Schedule,— (*a*) in Chapter IX, in clause (*a*) or rule 8, for the word "or", where it occurs for the second time the word "of" shall be substituted ; (*b*) in Chapter XIV, in rule 4 and in the marginal note to the said rule, for the word, brackets and letter "clause (*c*)" the word, brackets and letter "clause (*c*)" shall be substituted.

The Second Schedule—*Contd.*

Year.	No.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
1950	XXVIII	Bombay Commissioners (Abolition of Office) Act, 1950.	In the Schedule, for the three items in column 2 against entry 7 relating to the Bombay Town Planning Act, 1915, the following shall be substituted, namely:— "1. In sections 4(*1*), 10(*2*) and 26 (*1*) the words 'in any area for which a municipal corporation is constituted under any enactment or the Commissioner elsewhere' shall be deleted ; 2. In section 43, in sub-section (*3*) the words 'in the Greater Bombay or the Commissioner elsewhere' shall be deleted. 3. In section 45, in sub-section (*3*), the words 'in any area for which a municipal corporation is constituted under any enactment and by the Commissioner elsewhere' shall be deleted."
1951	XXIII	Bombay Separation of Judicial and Executive Functions Act, 1951.	In the Schedule,—

(*1*) in Part I, for entry 67, the following shall be substituted, namely :—

"67. In section 503, as inserted by section 21 of Act I of 1951, in sub-section (*2*),—

(*i*) for the words 'such magistrate shall apply to the district magistrate' the following shall be substituted, namely:—

'such magistrate, if he is a judicial magistrate shall apply to the sessions judge and if he is an executive magistrate shall apply to the district magistrate,';

(*ii*) for the words 'and the district magistrate' the words 'and the sessions judge or the district magistrate, as the case may be,' shall be substituted."

(*2*) in Part III, in item 2 of the entry relating to the Bombay Village Panchayats Act, 1933,—

The Second Schedule—*Contd.*

Year.	No.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
			(*a*) after the figures "87", where they occur for the first time, the word "and" shall be inserted ; (*b*) the word, figures and letter "and 87B", where they occur for the first time, shall be deleted.